

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOHN CUMMINGS JR.,

Defendant.

) Criminal No. 5:24-CR-479 (FJS)
)
) **Information**
)
) Violations: 21 U.S.C. §§ 846, 841(a)(1)
) and (b)(1)(A)
) [Conspiracy to Distribute and
) Possess with Intent to
) Distribute a Controlled
) Substance]
)
) 21 U.S.C. § 841(a)(1) and
) (b)(1)(C)
) [Possession with Intent to
) Distribute Controlled
) Substances]
)
) 18 U.S.C. § 924(c)(1)(A)
) [Possession of a Firearm in
) Furtherance of a Drug
) Trafficking Crime]
)
) 3 Counts & Forfeiture Allegations
)
) County of Offense: Onondaga

THE UNITED STATES ATTORNEY CHARGES:

COUNT 1

**[Conspiracy to Distribute and Possess with Intent to
Distribute a Controlled Substance]**

Between at least February 2024 and on or about July 10, 2024, in Onondaga County in the Northern District of New York, and elsewhere, the defendant, **JOHN CUMMINGS JR.**, conspired to knowingly and intentionally distribute and possess with intent to distribute a controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 846. That violation involved 5

kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(A).

Before the defendant committed the offense charged in this count, the defendant had a final prior conviction for a serious drug felony, that is, a conviction for conspiracy to distribute and possess with intent to distribute controlled substances and a controlled substance analogue, in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C), in United States District Court for the Northern District of New York on or about March 20, 2019, for which a maximum term of imprisonment of ten years or more is prescribed by law, for which he served more than 12 months of imprisonment, and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense.

COUNT 2
[Possession with Intent to Distribute Controlled Substances]

On or about July 10, 2024, in Onondaga County in the Northern District of New York, the defendant, **JOHN CUMMINGS JR.**, knowingly and intentionally possessed with intent to distribute one or more controlled substances, in violation of 21 U.S.C. § 841(a)(1). That violation involved cocaine, a Schedule II controlled substance, and N,N-Dimethylpentylone and N-Isopropylbutylone, both Schedule I controlled substances, in violation of 21 U.S.C. § 841(b)(1)(C).

Before the defendant committed the offense charged in this count, the defendant had a final prior conviction for a felony drug offense, that is, a conviction for conspiracy to distribute and possess with intent to distribute controlled substances and a controlled substance analogue, in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C), in United States District Court for the Northern District of New York on or about March 20, 2019.

COUNT 3
[Possession of a Firearm in Furtherance of a Drug Trafficking Crime]

On or about July 10, 2024, in Onondaga County in the Northern District of New York, the defendant, **JOHN CUMMINGS JR.**, in furtherance of one or more drug trafficking crimes for which he may be prosecuted in a court of the United States, that is a violation of 21 U.S.C. § 846, and a violation of 21 U.S.C. § 841(a)(1), knowingly possessed a firearm, to wit, a SCCY Industries 9mm handgun, serial number 408972, in violation of 18 U.S.C. § 924(c)(1)(A).

FIRST FORFEITURE ALLEGATION

The allegations contained in Counts 1 and 2 of this information are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853(a)(1).

Upon conviction of the offenses in violation of Title 21, United States Code, Sections 846 and 841(a)(1), as set forth in Counts 1 and 2, the defendant, **JOHN CUMMINGS JR.**, shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853(a)(1), any property constituting and derived from any proceeds obtained, directly and indirectly as a result of the offenses, including, but not limited to:

(a) \$34,426 in U.S. currency seized on July 10, 2024.

All pursuant to Title 21, United States Code, Section 853.

SECOND FORFEITURE ALLEGATION

The allegations contained in Count 3 of this indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

Upon conviction of the offense in violation of Title 18, United States Code, 924(c)(1)(A), set forth in Count 3 of this indictment, the defendant, **JOHN CUMMINGS JR.**, shall forfeit to

the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), any firearm and ammunition involved in and used in any knowing violation of the offense of conviction. The property to be forfeited includes, but is not limited to, the following:

(a) a SCCY Industries 9mm handgun, serial number 408972.

Dated: December 5, 2024

CARLA B. FREEDMAN
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By:


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